

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUL 09 2009

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ANDRE K. WATERS,)
Petitioner,) Case No. 7:08C00555
v.)
WARDEN TERRY O'BRIEN,)
Respondent.) **FINAL ORDER**
) By: Glen E. Conrad
) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. The court hereby **ADOPTS** the recommendation of the magistrate judge's report and recommendation that this petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, be dismissed;
2. The respondent's motion to dismiss is **GRANTED**;
3. The petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED**, and this action is stricken from the active docket of the court.

ENTER: This 9th day of July, 2009.

Glen Conrad

United States District Judge